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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To require interviews conducted by officers and employees of Federal law
enforcement agencies to be recorded.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require interviews conducted by officers and employees
of Federal law enforcement agencies to be recorded.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Accountability
5 in Interviews Reform Act” or as the “FAIR Act”.

1 **SEC. 2. AUDIO RECORDING OF INTERVIEWS CONDUCTED**
2 **BY CERTAIN FEDERAL LAW ENFORCEMENT**
3 **OFFICERS.**

4 (a) IN GENERAL.—The Attorney General shall re-
5 quire the recording, using an electronic audio recording
6 technology, of each interview of a United States citizen
7 who is suspected of having committed a criminal offense
8 conducted by an officer or employee of the Department
9 of Justice in connection with an investigation of a Federal
10 offense or an investigation with respect to which the De-
11 partment is assisting a State, local, or tribal law enforce-
12 ment agency.

13 (b) APPLICATION.—

14 (1) CUSTODIAL AND NON-CUSTODIAL INTER-
15 VIEWS.—The requirements under this section apply
16 with respect to any custodial and non-custodial
17 interview, but do not apply with respect to commu-
18 nication with a confidential informant.

19 (2) EXTRATERRITORIAL APPLICATION.—The re-
20 quirements under this section apply with respect to
21 any interview of a United States citizen outside of
22 the United States conducted by an officer or em-
23 ployee of the Department of Justice.

24 (c) NOTIFICATION, CONSENT NOT REQUIRED.—An
25 officer or employee of the Department of Justice may

1 record an interview described in this section without pro-
2 viding notice to or obtaining consent from the interviewee.

3 (d) INADMISSIBILITY.—A statement or information
4 obtained during an interview that is not recorded in ac-
5 cordance with this section may not be offered as evidence
6 by the Government in Federal court.

7 (e) RETENTION.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), a recording of an interview described in
10 this section shall be retained for a period of 10 years
11 beginning on the date on which the applicable inves-
12 tigation or any related judicial procedures is finally
13 concluded, whichever is later.

14 (2) EXCEPTION.—A recording of an interview
15 described in this section shall be retained indefinitely
16 if the content of the recording is related to a judicial
17 proceeding that involves a Federal capital offense or
18 a State capital offense with respect to which the
19 Federal law enforcement officer was assisting the
20 law enforcement agency of the jurisdiction in which
21 the offense occurred.

22 (f) RULES.—The Attorney General shall finalize rules
23 to carry out this section not later than 180 days after the
24 date of enactment of this Act.